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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,770	01/12/2004	Michael Gauselmann	ATR-A-127	1292
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/755,770

**Applicant(s)**

GAUSELMANN, MICHAEL

**Examiner**

OMKAR A. DEODHAR

**Art Unit**

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

**Final Rejection**

**Response to Arguments**

This Office action is responsive to the arguments submitted 9/2/2008.

Applicant's arguments have been considered, but are unpersuasive.

Applicant argues the prior art does not teach making the top light system in Applicant admitted prior art (AAPA) use LED segments identical & programmable to meet different specifications of different jurisdictions.

Examiner respectfully disagrees because, as pointed out in the rejection, "Lys teaches numerous applications for digitally controlled LED based light systems. Included are LED modules associated with entertainment devices, See figure 85 and the related description. A LED traffic light system is disclosed; this teaches a segment comprising a combination of LED lights, See Figure 47 and the related description." Apart from the color emitted in the traffic light segments, the segments are identical & programmable to emit colors consistent with traffic regulations in different jurisdictions (red, green & yellow for directing traffic).

Applicant has argued at length supposed advantages & intended usage of Applicant's invention both in the instant response & previous responses. Examiner has previously explained that intended usages fail to patentably distinguish over the prior art.

While Examiner surely would not contend that the extensiveness of Lys's disclosure with respect to LED's forecloses all future uses of a programmable LED

system as Applicant alleges, the Lys Patent must be considered in light of the substitution of known elements to achieve predictable results rationale in *KSR*.

Applicant argues Examiner failed to provide a suggestion for the combination of AAPA & Lys. Examiner cannot agree with this allegation: The Office action explained that LED's have increased efficiency, they give off virtually no heat and they have a longer lifetime. This is ample suggestion & motivation for the combination.

Applicant argues "industry had not even realized that the prior art top light could be improved...Applicant thought outside the box...Examiner does not appreciate that the same top light was used for 30 years..."

Be that as it may, this argument can be readily settled - if Applicant is able to demonstrate persuasive evidence of secondary considerations as spelled out in *Graham v. Deere*, Examiner will allow the instant Application.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1, 3-9, 11-14, 16-18 & 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant admitted prior art (AAPA) in view of Lys et al. (US 6,720,745).**

**Claims 1 & 7:**

Applicant admits in the background of the invention that multicolored top lights are old & well known to the art and that they are used for signaling.

Applicant's Drawings, Figure 1, illustrate a "typical slot machine with a cylindrical top light".

Since Applicant is familiar with this typical slot machine and top light structure, it is used as the base reference for the section 103 rejections.

Applicant admitted prior art is silent regarding the following:

a programmable top light on a top of the housing for conveying information about the gaming device, the top light comprising a plurality of segments, each segment comprising a combination of red, green, and blue light emitting diodes (LEDs);

a programmable controller electrically connected to each of the red, green, and blue LEDs in each segment, the controller comprising variable current sources connected to supply a controllable current to each of the red, green, and blue LEDs in each segment to control intensities of light emitted by each of the red, green, and blue LEDs in each segment; and

the controller also comprising a programmable control portion that is programmable for controlling the variable current sources to supply selected currents to the red, green, and blue LEDs in each segment to cause any of a variety of colors to be emitted from each segment for conveying information about the gaming device:

such that the programmable top light may be used in any of a variety of jurisdictions that have different specifications for the color of light emitted by each segment of a top light,

the controller being programmed to cause each of the segments to emit one or more selected colors from the variety of colors that can be emitted from each segment.

Lys discloses systems for a computer controlled multicolored lighting network. A current control for an LED lighting assembly is taught. See Col. 5. Lines 39-67 & Col. 6. Lines 1-67.

Lys teaches that is well known that three primary colors, RGB, can be combined in different proportions to generate almost any color in the visible light spectrum, See Col. 1. Lines 64-67 & Col. 2. Lines 1-7.

Lys teaches numerous applications for digitally controlled LED based light systems. Included are LED modules associated with entertainment devices, See figure 85 and the related description. A LED traffic light system is disclosed; this teaches a segment comprising a combination of LED lights, See Figure 47 and the related description. Figures 29-68 & the related descriptions teach and suggest a variety of applications. From Lys's disclosure, one of ordinary skill in the art would recognize the applicability of LED lighting systems used on gaming machines in a casino. In fact, the applicability of Lys's system is virtually limitless - any systems that use lights or requires illuminations could utilize Lys's system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Applicant admitted prior art in view Lys's current controlled LED lighting technology. As pointed out above, virtually any system using lights or requiring illumination could utilize LED's. This is considered a substitution of known elements with predictable results. The predictable results of using LED's as opposed to conventional lighting systems are that LED's have increased efficiency, they give off virtually no heat and they have a longer lifetime, (See Lys, Col. 1. Lines 43-47).

**Claims 3, 4 & 8:**

Applicant admitted prior art in view of Lys, as applied to the claims above teaches a segment comprising several LED lights. One such example is the LED traffic light shown in Figure 47.

Applicant admitted prior art in view of Lys does not teach two, or three, segments residing on the top of the gaming machine, or alternatively, residing side-by-side.

However, it would have been a matter of obvious design choice to one of ordinary skill in the art the time of Applicant's invention to vary the specific number of segments residing on the top of the gaming machine and their orientation. The basic concept of modifying a slot machine's top light with LED's is taught.

**Claim 5:**

Applicant admitted prior art in view of Lys teaches a module containing RGB LED chips. See Col. 6. Lines 28-45.

**Claim 6:**

Applicant admitted prior art in view of Lys teaches flashing LED's. See Col. 17. Lines 1-5.

**Claim 9:**

Applicant admitted prior art teaches a slot machine with a display.

**Claims 11-14, 17-23:**

Applicant admitted prior art in view of Lys teaches digitally controlling the current in LED lighting assemblies, (See Col. 5. Lines 54-57). A computer (which has a processor & memory and uses software/firmware) controlled multicolored LED lighting network is taught. (See Col. 6. Lines 46-50). Also, please refer to the rejection of Claim 1.

Generating top light codes to illuminate LED's per jurisdiction is an intended usage of Applicant's invention. With a computer controlled system, one can illuminate LED's based on virtually any requirements desired. This includes conveying a "denomination" of the machine. Therefore, Lys teaches the claimed limitations.

**Claim 16:**

Applicant admitted prior art in view of Lys teaches a light diffuser. See Col. 75 Lines 48-51.

**Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant admitted prior art (AAPA) in view of Lys et al. (US 6,720,745), as applied to the claims above, in yet further view of Griswold et al. (US 6,027,115).**



**Claim 10:**

Applicant admitted prior art in view of Lys does not teach a slot machine with multiple reels in the housing. Griswold teaches a gaming machine with multiple reels. See Griswold Figure 1 & Figures 2A-2D.

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to provide a slot machine with multiple reels for the purpose of providing optical displays on spinning reels in a slot machine. Further, this is considered a substitution of known elements (multiple reels in a slot machine are known elements) with the predictable results of providing entertaining displays to a player.

**Claims 15 & 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant admitted prior art (AAPA) in view of Lys et al. (US 6,720,745), as applied to the claims above, in yet further view of Heidel et al. (US 6,014,594).**

**Claims 15 & 19:**

Applicant admitted prior art in view of Lys does not teach indication of a game machine's maintenance needs to casino personnel.

Heidel teaches sending a signal to casino personnel should some maintenance need arise.

A unique light sequence indicating maintenance needs is a signal.

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to signal casino operators of a machine's maintenance need via a light sequence. If one machine on the casino floor was exhibiting a unique display on its

top light region, this would draw the attention of casino personnel to that machine's maintenance need.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **OMKAR A. DEODHAR** whose telephone number is (571)272-1647. The examiner can normally be reached on **M-F: 8AM - 4:30 PM**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/OAD/

/Corbett Coburn/  
Primary Examiner  
AU 3714